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8 **BEFORE THE INSURANCE COMMISSIONER**
9 **FOR THE STATE OF WASHINGTON**

10 In the Matter of the Application
11 regarding the Conversion and
12 Acquisition of Premera Blue Cross
13 and its Affiliates

NO. G02-45

FOURTEENTH ORDER: RULING
ON INTERVENERS' REQUEST
TO REVISE THE CASE
SCHEDULE

14 On September 18, 2003, a Case Schedule was issued in the Thirteenth Order.
15 The Interveners filed a motion to revise the schedule, and the OIC Review Staff and
16 Premera have responded. For the reasons stated below, the Motion for
17 Reconsideration is denied. However, there are other ways to address the Interveners'
18 concerns, as more fully explained below.

19 The Interveners request that the deadline for Premera and the Interveners to
20 submit expert reports be extended from November 10, 2003, to November 17, 2003.
21 The reason for the request is that because the Interveners will not receive the OIC's
22 final expert reports until October 27, 2003, there will be insufficient time for them to
23 prepare their reports. The Interveners also request that the discovery cut-off deadline
24 be extended from December 5, 2003, to December 12, 2003, so as to allow 30 days
25 response time for any discovery that the Interveners may request as a result of
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1 Premera's expert reports.¹ The OIC Staff objects to moving the deadline for Premera
2 to submit its expert reports, but does not object to moving the deadline for the
3 Interveners or the discovery cut-off deadline. Premera objects to moving any deadline
4 and suggests that the Interveners' concerns regarding sufficient time to review the
5 OIC's reports can be accommodated by providing the Interveners with the OIC draft
6 reports on October 3, 2003, when Premera receives them, subject to the existing
7 confidentiality requirements set forth in the Protective Order and the Confidentiality
8 Agreement established in the Eighth Order.² Premera also asserts that the Interveners
9 articulated need for an extension of the discovery cut-off deadline is speculative and
10 that the Interveners can seek relief at such time there is an actual need.

11 Because the concerns of the Interveners can be adequately addressed without
12 changing any deadlines, I am denying the Interveners' Motion for Reconsideration.
13 However, I am ordering that the OIC produce its draft consultant reports and executive
14 summaries to the Interveners on October 3, 2003, when they are produced to Premera.
15 The OIC's draft reports and the content and recommendations therein shall not be

16 ¹ The Interveners explain their need for additional time because they will not
17 receive the OIC's reports until November 10, 2003. In fact, they will have the OIC's
18 final expert reports on October 27, 2003. For purposes of this Order, I assume that the
19 Interveners meant to refer to Premera's report, which the Interveners will receive on
November 10, 2003.

20 ² In its response, Premera requests that it have the three days to review the
21 Interveners' report before it is made public, "in order to make sure they do not include
22 any confidential information gleaned from the draft consultant reports or Premera's
23 responses to their earlier discovery requests." Premera Response at 2, note 2. Premera
24 has not asked that any deadlines be changed, and there is no provision in the Case
25 Schedule for Premera to preview the Interveners' report. That being said, Premera and
26 the Interveners are subject to the Protective Order and Confidentiality Agreement. The
parties may choose to exchange courtesy copies of their reports prior to the submittal
deadline in order to ensure that there is not inadvertent disclosure of confidential
information. I anticipate the complete expert reports from all the parties may include
confidential information, but that information will be clearly identified and segregated
in order to avoid public disclosure.

1 made public by the parties. However, final reports of the parties, exclusive of
2 confidential information, can be made public by the parties. With respect to the
3 extension of discovery, the Interveners have not articulated sufficient cause to extend
4 the deadline. If a specific need arises at a later date, the Interveners can apply for relief
5 at that time.

6 **IT IS SO ORDERED**, this 30th day of September, 2003.

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MIKE KREIDLER
9 INSURANCE COMMISSIONER
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